

PROJECT # _____

BOND # _____

DATE _____



**CITY OF TUCSON PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
PERFORMANCE BOND FOR TEMPORARY USE PERMIT (TUP)**

This performance bond is provided to obtain approval of a Temporary Use Permit at the Premises identified as _____, Tucson, AZ. 857____. The improvements for the temporary use and other associated work on the Premises are referred to as "the Work."

The contractor or party responsible for the Work, who is referred to in this Performance bond as "Principal" is:

Name: _____ Company: _____

Address: _____

City/State/Zip: _____ Phone: (____) _____

(Initial the box corresponding to whichever of the two following provisions applies)

Initials _____

Principal is the owner of the Premises, and hereby expressly grants the City of Tucson a right of entry onto the Premises, if necessary, to bring the Work into conformance with the requirements of this Bond.

Initials _____

Principal has received an express delegation of authority from the owner of the Premises and, pursuant to that delegation, Principal hereby (1) represents that Principal is authorized to do the Work and (2) expressly grants the City of Tucson a right of entry onto the Premises, if necessary, to bring the Work into conformance with the requirements of this Bond.

The Surety assuring Principal's performance of the Work under this performance bond, who is referred to in this performance bond as "Surety" is:

Name: _____ Company: _____

Address: _____

City/State/Zip: _____ Phone: (____) _____, a corporation organized and existing under the state laws of the State of _____.

To secure and assure performance of the obligations described in this performance bond, Principal and Surety are duly and firmly bound unto the City of Tucson in the sum of _____ (\$_____).

Principal has applied for a Temporary Use Permit for the Premises. Principal shall comply with the requirements of City of Tucson codes that apply to the Work authorized by this TUP. Principal shall also comply with all rules, regulations and requirements lawfully promulgated under those codes regulating the issuance, termination, and revocation of the TUP.

This performance bond is provided to guarantee termination of the temporary use. Land Use Code (LUC) § 5.3.7.4 requires the Principal to remove the temporary use on or before the date the approval period expires or within fifteen (15) days after notification that the City has revoked the zoning compliance certificate. In the event that the Principal does not comply with LUC § 5.3.7.4, the City will use the performance bond to remove the temporary use or structure and restore, stabilize, and reseed the premises. LUC § 5.3.7.2. requires cash or a bond, in the amount of one thousand dollars (\$1,000) for a residential use and five thousand dollars (\$5,000) for a nonresidential use, to guarantee the termination and removal of the temporary use, unless stipulated otherwise based on the qualification criteria in LUC § 5.3.7.1. The Principal must provide the performance bond to the City before the City issues any permit for the temporary use.

If the City of Tucson determines that Principal and has failed to comply with these requirements, the City of Tucson shall notify Principal and the Surety assuring Principal's performance, that it intends to, and after such notice may, withdraw and use that amount of the performance bond necessary to bring Principal's work into conformance with these requirements.

The City of Tucson shall hold this performance bond until the Director of Planning and Development Services gives final approval of the work in accordance with all applicable codes and standards in effect. If prior to that time, any of the following events occurs, this performance bond shall be automatically extended and retained by the City of Tucson until Principal's default is cured or until final disposition of all legal actions and claims, whichever occurs last:

- o The City of Tucson notifies Surety of Principal's default.
- o A legal action or claim is filed relating to this performance bond.
- o The City of Tucson notifies Surety that it reasonably believes there is an impending legal action or claim relating to this performance bond.

Notice to Surety shall be sufficient if mailed or hand delivered to Surety's address inserted where indicated above.

This performance bond shall neither be void nor terminate upon Surety's payment of claims totaling less than the full amount of this bond, but may be used and recovered upon from time to time until the full amount of this bond is exhausted.

This performance bond is for the benefit of the City of Tucson and any person damaged as a result of any violation of the TUP referred to in this performance bond.

Principal and Surety and their heirs, personal representatives, successors, and assigns are jointly and severally liable for and bound by the obligations described in this performance bond.

IN WITNESS WHEREOF the Principal and Surety have duly executed this performance bond with the City of Tucson this day of , 20 .

"PRINCIPAL":

By: _____
Signature of Principal or authorized agent

Print Name:
Company/Title:

STATE OF ARIZONA)) ss
COUNTY OF PIMA)

SUBSCRIBED AND SWORN TO BEFORE ME this day of , 20 .

My Commission expires:

Notary Public

“SURETY”:

By: _____
Signature of Surety

Print Name:
Company/Title:

STATE OF ARIZONA)) ss
COUNTY OF PIMA)

The foregoing performance bond was acknowledged before me this day of ,
20 by the Attorney-In-Fact for a ,
corporation organized and existing under the laws of the State of and duly
authorized to transact surety business in the State of Arizona.

My commission expires:

Notary Public

Form approved this 24th day of September 2010.

Viola Romero-Wright
Viola Romero-Wright, Principal Ast. City Attorney

(Form with original signature of approval is on file in the City Clerk's Office.)

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